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REMARKS

Applicant has carefully reviewed the Office Action dated February 20, 2004. Claims 1-9 and 19-28 are pending in the application. Claims 10-18 are canceled. Applicant has amended Claims 1 and 19 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Applicant notes with appreciation the Examiner's response to the previous arguments. Applicant believes that there is only a single issue remaining with respect to the claims and that is with respect to the combination of the two primary cited references and the operation thereof. To comment on the Examiner's arguments, the Examiner noted in Paragraph 7 of the arguments that the reference to a mouse and a mouse function was not recited in the rejected claims. However, Applicant notes that a mouse is nothing more than a device for sensing positional data. It performs the function either optically or mechanically. This positional data is relative to the position of a cursor on a display. As such, Applicant believes that this language in the claims essentially constitutes the operation of a mouse, optical or mechanical. The Examiner further states in paragraph 6 that *Chiu et al.* teaches providing a foreground application program that utilizes the mouse and a background program utilizing a device with a scanner and mouse function. However, Applicant's claims set forth the scanner operation as utilizing the background program, and the mouse or pointer device as utilizing the foreground program. Applicant believes that this is a distinctive difference between the two references.

Claims 1-9 and 19-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Hudetz et al.* in view of *Chiu et al.* This rejection is respectfully traversed with respect to the amended claims.

Applicant has amended the claims to further clarify that the operation of the pointing device is coupled to the operation of the two programs, wherein the positional data sensing aspect of the input device is associated with the first application program and the operation of the input device in detecting the optical indicia is associated with the second product information access program.

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The Examiner has cited the *Hudetz* reference for basically anticipating the operation of detecting the optical indicia and then accessing information over the network associated with the unique ID that is scanned and associated with the optical indicia. The Examiner utilizes the *Chiu et al.* reference to support the position that an optical scanning device and positional pointing device can be combined in a single unit for use on a computer. However, the *Chiu et al.* reference is geared to operate with a single program at the time and does not have the ability for the pointing device to be associated with the foreground program and the optical scanning device to be associated with the background program. The *Hudetz* reference is a reference that discloses operating with a single dedicated program. It is the association of the optical scanning capability of the pointing input device with one program for one purpose and the pointing device with another program that distinguishes the present inventive concept as defined by the amended claims over the combination of these two references. There is nothing in *Hudetz* that suggests operating the pointing device with two separate programs, wherein one of the programs is utilized to access information over the web. As such, Applicant believes that the claims, as amended, now distinguish over the combination of *Hudetz* and *Chiu et al.* Therefore, Applicant respectfully request the withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claims 1-9 and 19-28.

Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,896 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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